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1st MARCH, 1804.

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Read the first and second time, and committed to a committee of the whole House, on Monday next.

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## A B I L L

*For the appointment of an additional Judge for the Mississippi Territory ; and for other purposes.*

1     **Be it enacted**, by the Senate and House of Representatives  
2     of the United States of America, in Congress assembled, That  
3     the President of the United States be, and he is hereby authorised  
4     and required, by and with the advice and consent of the senate, to  
5     appoint an additional judge for the Mississippi territory, who shall  
6     reside at or near the Tombigbee settlement, and who shall possess  
7     and exercise, within the district of Washington, as fixed and ascer-  
8     tained by an act of the general assembly of the Mississippi territory,  
9     entitled, an " Act for the more convenient organization of the  
10    " courts of the said territory," the jurisdiction heretofore possessed

11 and exercised by the superior court of the said territory within the  
 12 said district of Washington, and to the exclusion of the original  
 13 jurisdiction of the said superior court within the same: *Provided*  
 14 *always*, That the said superior court shall have full power and  
 15 authority to issue writs of error to the court established by this  
 16 act, and to hear and determine the same when sitting, for the dis-  
 17 trict of Adams, as fixed and ascertained by the act of the general  
 18 assembly of the Mississippi territory herein before mentioned.

1     SECT. 2. *Be it further enacted*, That the said superior court are  
 2 hereby authorised, upon the reversal of a judgment of the court  
 3 established by this act, to render such judgment as the said court  
 4 ought to have rendered or passed, except where the reversal is in  
 5 favor of the plaintiff in the original suit, and the debt or damages  
 6 to be assessed are uncertain, in which case, the cause shall be  
 7 remanded, in order to a final determination.

1     SECT. 3. *Be it further enacted*, That when any person, not  
 2 being an executor or administrator, applies for a writ of error, such  
 3 writ of error shall be no stay of proceedings in the court to which  
 4 it issues, unless the plaintiff in error shall give security, to be ap-  
 5 proved of by a judge of the said superior court, that the plaintiff in  
 6 error shall prosecute his writ to effect, and pay the condemnation  
 7 money, and all costs, or otherwise abide the judgment in error, if  
 8 he fail to make his plea good.

1     SECT. 4. *Be it further enacted*, That all pleas, process and pro-  
 2 ceedings whatever, which may have been commenced in the said

3 superior court within the aforesaid district of Washington, shall  
 4 be, and the same are hereby transferred to the court established  
 5 by this act; and the officers appointed to issue or execute the pro-  
 6 cess of the said superior court within the district of Washington,  
 7 and to record the proceedings of the same, are hereby authorised  
 8 and required to issue and execute the process of the court esta-  
 9 blished by this act, and to record the proceedings thereof.

1     SECT. 5. *Be it further enacted*, That the court established by  
 2 this act, shall hold two terms in each and every year, at the place  
 3 where the courts for Washington county, within the said territory,  
 4 shall be held, to commence on the days following, to wit, on the  
 5 first Monday in May and September annually; and shall then and  
 6 there proceed to hear and determine the pleas, process and pro-  
 7 ceedings depending before them, in the same manner as the said  
 8 superior court within the district of Washington aforesaid might  
 9 or could have done, in case this act had not been passed.

1     SECT. 6. *And be it further enacted*, That the judge to be ap-  
 2 pointed by virtue of this act, shall receive the same salary and  
 3 payable in the same manner, which is established by law for judges  
 4 of the said superior court of the Mississippi territory.